

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SUN LIFE ASSURANCE COMPANY  
OF CANADA,

Plaintiff,

v.

JANICE KUMM, co-personal  
representative of the Estate of Gaylord  
Kumm, DEANN KUMM, individually and  
as co-personal representative of the  
Estate of Gaylord Kumm, BEN KUMM,  
individually, GLEN R. KUMM,  
individually, STARR KUMM, n/k/a Starr  
Wallace individually,

Defendants/Third  
Party Plaintiffs.

v.

GERALD BRYCE, JAMES GRENDALL,  
BRYAN REIL, and PARADIGM  
FINANCIAL SERVICES, LLC,

Third-Party  
Defendants.

8:08CV290

ORDER  
NUNC PRO TUNC

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This matter is before the court on the defendants' unopposed motion for a release of funds, Filing No. 221. On October 15, 2008, this court granted Sun Life's Unopposed Motion for Leave to Deposit Into Court and ordered Sun Life to deposit the Disputed Funds with the Clerk of the Court of the United States District Court for the District of Nebraska (hereinafter, the "Clerk") and for the Clerk to deposit the Disputed Funds into an interest-bearing account (Filing No. 36). Sun Life and the Kumm defendants have now settled all of their claims involved in this action. As part of the settlement, Sun Life agreed

to release the Disputed Funds and any accrued interest to the Estate of Gaylord Kumm. The Parties agreed that the Disputed Funds and any accrued interest may be released to the Estate of Gaylord Kumm once this action is dismissed pursuant to a stipulation of dismissal. The parties have filed a stipulation of dismissal and the action has been dismissed. Filing Nos. 222, Stipulation & 223, Order. Accordingly,

IT IS ORDERED that

1. The Clerk of Court is directed to issue a check in the amount of \$284,185.65, plus any accrued interest, less the fee authorized by NECivR 67.1(c), to:

The Estate of Gaylord Kumm

2. The Clerk of Court is directed to mail the check to counsel for the Estate of Gaylord Kumm at the following address:

Dennis Collins  
Jewell, Collins and Flood  
105 S. 2nd Street  
PO Box 1367  
Norfolk, NE 68702-1367

DATED this 30<sup>th</sup> day of April, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Court Judge